



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,271

02/17/2004

Bjoern Goerke

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EXAMINER

STEVENS, ROBERT

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

02/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/781,271

Applicant(s)

GOERKE ET AL.

Examiner

Robert Stevens

Art Unit

2162

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-3, 5-24 and 28-31.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because:  
Regarding the previous rejections of the claims under 35 USC 103(a):

Applicant argues on page 14 the cited references do not teach "enabling a user to lay out one or more views for a user interface allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views". Specifically, Applicant argues on page 16 (as well as pages 13, 17, 19 and 21) that Inanoria teaches away from such language, as purported evidenced by paragraph [0008] of the section entitled "Background Of The Invention" section of Inanoria.

The Office respectfully disagrees. The Office notes that this passage is directed to the prior art. Inanoria is discussing problems found in the prior art due to the use inflexible data binding techniques by such prior art systems. Inanoria is merely recognizing that the use of such inflexible techniques are undesirable from a reuse standpoint.

Regarding the Pena reference, Applicant argues on pages 17-18 that the Pena reference fails to teach "enabling a user to layout one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views".

The Office respectfully disagrees. It is noted that the Pena reference was not cited in the previous action as teaching the quoted language. It appears that Pattison and Mahemoff were cited as teaching this language, and therefore Applicant's argument appears to be moot. It is further noted that the references as a whole teach the recited claim language.

Regarding the Pattison reference, Applicant argues on pages 19-20 that the Pattison reference fails to teach "enabling a user to layout one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views".

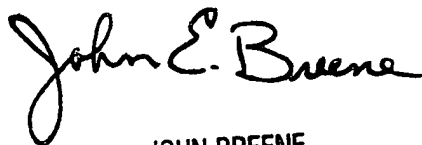
The Office respectfully disagrees. First, Applicant merely cites some passages from the Pattison reference, but does not explain why Applicant believes the Pattison section does not teach the recited claim language (and especially the recited claim language corresponding to the cited teachings of Pattison). Additionally, the claim language Applicant argues has been previously cited as being taught by a combination of references (i.e., Pattison and Mahemoff). Pattison was cited for its teachings as to the layout of one or more user views. It is further noted that the references as a whole teach the recited claim language.

Regarding the Mahemoff reference, Applicant argues on pages 21-23 that the Mahemoff reference fails to teach "enabling a user to layout one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views".

The Office respectfully disagrees. It is noted that the claim language Applicant argues has been previously cited as being taught by a combination of references (i.e., Pattison and Mahemoff). Additionally, the Office has cited Mahemoff for its teachings as to the reusability of interface components. If such components are reusable, then they, perforce, are selectable for such reuse. It is further noted that the references as a whole teach the recited claim language.

The Office therefore maintains the rejections of the claims under 35 USC 103(a) as set forth in the Final action, mailed 11/26/2007.

BS



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